



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,954	11/24/2003	Vladimir Grushin	PE0649USDIV8	5280

23906 7590 03/15/2006

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

RODGERS, COLLEEN E

ART UNIT PAPER NUMBER

2813

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1/4 EV

Office Action Summary	Application No. 10/720,954	Applicant(s) GRUSHIN ET AL.	
	Examiner Colleen E. Rodgers	Art Unit 2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action responds to the Amendment filed 18 January 2006. Claim 19 is pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

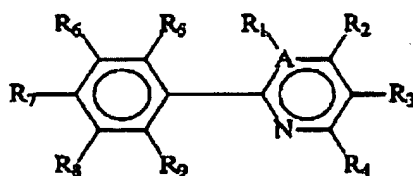
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

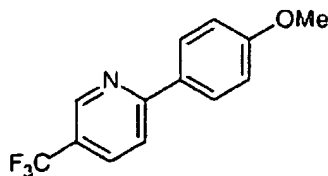
3. Claim 19 is rejected under 35 U.S.C. 102(a) as being anticipated by the article **Gosmini et al**, “Electrosynthesis of functionalized 2-arylpyridines from functionalized aryl and pyridine halides catalyzed by nickel bromide 2,2'-bipyridine complex,” *Tetrahedron Letters* **41** (26), 2000, pp. 5039-5042. **Gosmini et al** discloses the instantly claimed compound 2-e [see p. 5041, Table 2, line 2].

Applicant claims the following structure:



wherein A is C, R₁ is H, R₂ is H, R₃ is CF₃, R₄ is H, R₅ is H, R₆ is H, R₇ is CH₃O, R₈ is H and R₉ is H.

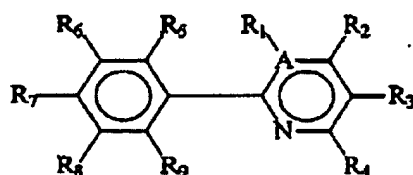
Gosmini et al discloses the following structure:



Art Unit: 2813

wherein, as claimed, A is C, R₁ is H, R₂ is H, R₃ is CF₃, R₄ is H, R₅ is H, R₆ is H, R₇ is CH₃O, R₈ is H and R₉ is H.

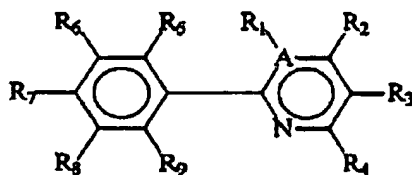
4. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by the article **Shkurko et al**, "Pyrimidines. LXVIII. Syntheses of isomeric fluorophenyl-, hydroxyphenyl-, nitrophenyl-, and aminophenylpyrimidines," *Izvestia Sibirskogo Otdeleniya Akademii Nauk SSSR, Seriya Khimicheskikh Nauk*, (6), 1978, pp. 106-112. **Shkurko et al** discloses the instantly claimed compound 2-h [see p. 107]. Applicants claim the following structure:



wherein A is N, R₂ is H, R₃ is H, R₄ is H, R₅ is H, R₆ is H, R₇ is F, R₈ is H and R₉ is H. **Shkurko et al** discloses a pyrimidine that is 2, 5 substituted by substituents R₍₂₎ and R₍₅₎. It is disclosed that R₍₂₎ may be H and R₍₅₎ may be a fluorinated phenyl group, μ -FC₆H₄ or n -FC₆H₄.

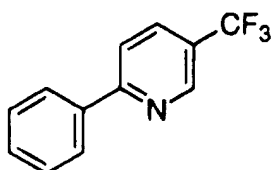
5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by the article **Chatani et al**, "Ru₃(CO)₁₂-Catalyzed Reaction of Pyridylbenzenes with Carbon Monoxide and Olefins. Carbonylation at a C-H Bond in the Benzene Ring," *J. Org. Chem.*, **62** (8), 1997, pp. 2604-2610. **Chatani et al** discloses the instantly claimed compound 2-s [see p. 2606, compound 12]. Applicants claim the following structure:

Art Unit: 2813



wherein A is C, R₁ is H, R₂ is H, R₃ is CF₃, R₄ is H, R₅ is H, R₆ is H, R₇ is H, R₈ is H and R₉ is H.

Chatani et al discloses the following structure:



wherein, as claimed, A is C, R₁ is H, R₂ is H, R₃ is CF₃, R₄ is H, R₅ is H, R₆ is H, R₇ is H, R₈ is H and R₉ is H.

Response to Arguments

6. Applicant's arguments, see Remarks, filed 18 January 2006, with respect to the rejection(s) of claim(s) 19 under 35 U.S.C. §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the cited prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen E. Rodgers whose telephone number is (571) 272-8603. The examiner can normally be reached on Monday through Friday, 9:00 AM to 6:00 PM.

Art Unit: 2813

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CER


CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800